

MINUTES
MIGRANT AND SEASONAL FARMWORKERS BOARD MEETING
July 28, 2004

The Migrant and Seasonal Farmworkers Board Meeting was held at 10:00 a.m. in House Room 2, State Capitol, Richmond, Virginia.

The following Board members were present: Kenneth Annis, Chairman; Christian Schweiger; Tupper Dorsey; Richard Hall; Sharon Saldarriaga; R. Hart Hudson; and Richard Cagan.

The following Board members were absent: Mario Moreno, Vice-Chairman; Mary Bell Boltwood (on leave); J.M. Scott; Elisia Almendarez-Moore; Kelly Robinson; Veronica Donahue; Thomas Kellum; and Adrian Reddington.

Virginia Employment Commission staff present: Dolores A. Esser, Commissioner; Joyce Fogg, Public Relations Manager; and Sam Shaw, Board Administrator.

CALL TO ORDER

The Chairman called the meeting to order at 10:15 a.m. He requested that any participant who wished to address the Board give his/her name and organization.

APPROVAL OF AGENDA

Mr. Schweiger moved that the agenda be approved. Ms. Saldarriaga seconded the motion and the agenda was approved by a unanimous vote.

APPROVAL OF MINUTES

Mr. Hall moved that the minutes of the April 7, 2004 meeting be approved. Mr. Dorsey seconded the motion and the minutes were approved.

PRESENTATIONS

Leni Gonzalez, Northern Virginia Outreach Coordinator
Department of Motor Vehicles

Ms. Gonzalez distributed information to the Board on legal presence issues for driver's licenses.

Ms. Gonzalez briefed the Board on legal presence and its impact on immigrants, migrant workers and out-of-state workers in general. According to DMV policy, anyone who has not had a Virginia license must prove U.S. legal presence. This includes new drivers as well. Revoked licenses must also prove legal presence to retain a driver's license. Even citizens who have allowed their licenses to expire will have to present proof of legal presence to renew their driver's license.

Legal presence is defined by those who are: Natural born citizens; have a certificate of naturalization/green card; or a valid passport with I-94; or any document issued by the former Immigration and Naturalization Services that grants legal status. Five-year driver's licenses are available only to citizens and permanent aliens. Migrant workers, H-1B and other temporary immigrants may be granted driver's licenses for the length of their visas.

To obtain a driver's license one must have: Proof of legal presence in the United States; and proof of residence in Virginia. The International Driver's License is not valid in the State of Virginia. DMV advises that migrant workers consult local offices to obtain driver's licenses.

Migrant workers that stay less than six months in the United States need not apply for a state driver's license. The home country driver's license may substitute for a state license, however, an international driver's license is not sufficient.

Mr. Hudson inquired about H-2A workers, and the impact of the workers not needing a license if they are to stay in the United States for six months or less. Additionally, Mr. Hudson asked for clarification on legal presence documentation. Discussion ensued on the issue, with Mr. Schweiger inquiring if the Commonwealth's Attorneys Services Council was informed of the six-month window for temporary workers. The Board noted that each local law enforcement agency interprets identity in different ways. Mr. Schweiger also added that this might become problematic for migrant workers operating vehicles without a Virginia state driver's license.

Mr. Annis noted that the legal presence issue demonstrates the growing concern over migrant workers carrying fraudulent papers. Additionally, Mr. Annis requested explanation on how the DMV is addressing the problem of undocumented migrant workers.

Mr. Cagan and Mr. Hudson also inquired if Commercial Driver's Licenses (CDL) applied to the six-month exception.

Ms. Gonzalez reported that she would take the following issues to the Commissioner of DMV for follow-up:

- What are the temporary documents that are not allowed in proving legal presence?
- Elaboration on the six-month exception for obtaining a driver's license.
- Does the six-month exception apply for CDL's, or do state and federal regulations limit it?
- Bilingual staff for migrant worker services.

Mr. Cagan, moved to communicate to the Commonwealth's Attorneys Services Council to collaborate on the legal presence issue, subject to clarification regarding the six-month exception.

Mr. Schweiger agreed to contact the Commonwealth's Attorneys Services Council and report back to the Board.

**Jack Turner, State Monitor Advocate
Virginia Employment Commission**

Mr. Turner provided a map of VEC Farm Service regions to the Board. Mr. Turner explained that the VEC has nine offices that provide rural services to both growers and migrant workers.

The Department of Agriculture has divided the state into Crop Reporting Areas. Each area is different in crops, prices, and wages. For each year, VEC develops estimates on where migrant workers are located and peak seasons for each area/county. As of July 2004 Virginia has 16,000 peak migrant workers, 2900-3000 of those are H-2A.

Commissioner Esser noted that Rural Services and Migrant and Seasonal Farmworker staff provide bilingual services. If a farm specialist is hired and does not have bilingual skills, VEC will place them in language classes.

COUNCIL REPORTS

The Board noted the absence of a few of the regions. The Board Administrator will follow up with those regions to obtain reports for the next MSFW Board meeting.

OLD BUSINESS

Ms. Saldarriaga reported that the \$300,000 HUD grant for Telamon has been approved. However, funds will not be released until HUD has completed its study, which required Telamon to submit environmental reports.

Mr. Cagan reported that a response was received from Secretary of Health and Human Resources regarding the Medicaid issue. Mr. Cagan has begun discussion on the Medicaid issue with Mr. Patrick Finnerty, Director of the Department of Medical Assistance Services. The creation of a committee to review Medicaid policy issues is in progress.

NEW BUSINESS

Ms. Saldarriaga reported that Telamon received funding for the Farmworker Employment and Training Program. The funding level equaled the amount from 2003. Ms. Saldarriaga noted that Telamon is working with the Rappahannock Area Health Education Center on a community health project. Telamon has committed \$25,000 to fund work experience on community health for workers.

Mr. Annis noted that housing is a key topic for the Board and applauded Ms. Saldarriaga's efforts in seeking alternative housing options for migrant workers. Ms. Saldarriaga briefed the Board on her visit to Maryland to see straw bail housing options. The most important aspect, Ms. Saldarriaga noted, is the principle of sustainable design, environmental conservation and cost efficiency of straw bail housing.

ITEMS OF INTEREST FROM COMMISSIONER ESSER

Commissioner Esser welcomed the Board to the VEC and briefed the Board on the transition of administrative duties from the Department of Labor and Industry (DOLI) to the VEC.

Regarding meetings, Ms. Esser recommended that the Board have two in Richmond and two in other regions. Discussion ensued on the location for the next MSFW Board Meeting. The Board came to agreement that the Charlottesville area would be the site for the next meeting.

The next MSFW Board meeting is tentatively scheduled for October 6, 2004.

PUBLIC COMMENTS

None to report.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 12:40 p.m.